UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,259	05/09/2001	Elizabeth A. Batson	10007160-1	4065

7590   05/17/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
HU, JINSONG

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/852,259	BATSON ET AL.
	Examiner	Art Unit
	Jinsong Hu	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 December 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration. .

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-2, 4-5, 7-10,12-13 and 15-18 are rejected under 35 U.S.C. 102(e) as

being anticipated by Gupta (US 6,516,315).

4.   As per claims 1 and 7-8, Gupta teaches the invention as claimed including a

computer-implemented method for managing access to computer-provided services for

a plurality of requesters [col. 2, lines 27-60], comprising:

defining combinations of access characteristics [i.e., role] and associating each

of the combinations with a security level [col. 4, line 52 – col. 5, line 14; i.e., different

roles have different access rights], associating each of the services [i.e., data object]

with one of the security levels [col. 4, lines 45-52; col.6, line 51 – col. 7, line 44; i.e., a

security classification label];

processing a login request from a requester, whereby a session is initiated [132,

134, Fig. 8; col. 3, lines 21-28; col. 9, lines 61-67];

determining access characteristics of the session [i.e., since each user can have

plurality relationship with data object, system has to determine which role the user is for

a specific session] , receiving a request for one of the services from the requester and

granting access to the one of the services [i.e., data objects] if the access

characteristics of the session [i.e., role] are associated with a security level that satisfies

the security level associated with the one of the services [i.e., compare classification

level to determining if granting access to the service or not; col. 3, lines 21-34; col. 7,

line 50 – col. 8, line 4; col. 10, lines 1-36].

5.   As per claim 2, Gupta teaches the step of prompting the requester for

authentication data if the access characteristics of the session are associated with a

security level that does not satisfy the security level requirement associated with the

one of the services [inherent in Gupta, col. 10, line 58 – col. 11, line 4; i.e., the available

function which user optionally returned includes prompting the requester for

authentication data].

6.   As per claim 4, Gupta teaches the access characteristics include ownership

rights of a device with which the session is maintained [col. 7, line 47 – col. 8, line 32].

7.   As per claim 5, Gupta teaches the access characteristics include characteristics of a network over which the session is maintained [col. 12, lines 17-21].

8.   As per claim 9, Gupta teaches the invention as claimed including a plurality of communications devices coupled to one or more computer-provided services via a gateway arrangement [92, Fig. 6], a method for managing access   to the services for a plurality of users at the communications devices [col. 2, lines 27-60], comprising:

defining combinations of access characteristics and associating each of the combinations with a security level at the gateway arrangement, associating each of the services with one of the security levels at the gateway arrangement [col. 4, lines 45-52; col.6, line 51 – col. 7, line 44];

processing a login request from a user at the gateway arrangement, whereby a session is initiated between a communications device and a service [col. 3, lines 21-28; col. 9, lines 61-67]; and

determining access characteristics of the session at the gateway arrangement, receiving at the gateway arrangement a request for one of the services from the user of the communications device and granting access to the one of the services if the access characteristics of the session are associated with a security level that satisfies the security level associated with the one of the services [col. 3, lines 28-34; col. 10, lines 1-36].

9.   As per claims 10, 12-13 and 15-16, since they are method claims of claims 2, 4-5

and 7-8, they are rejected for the same basis as claims 2, 4-5 and 7-8 above.

10.   As per claims 17 and 18, since they are apparatus claims of 1 and 9, they are

rejected for the same basis as claims 1 and 9 above.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 3, 6, 11, 14 and 19-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gupta (US 6,516,315) as applied to claims 1-2, 4-5, 7-10, 12-13 and

15-18 above.

13.   As per claims 3, 11 and 19, Gupta teaches the invention substantially as claimed

in claim 1. Gupta does not specifically teach the access characteristics include a type of

device with which the session is maintained. However, it would have been obvious to a

person of ordinary skill in the art at the time the invention was made to add the

information of the type of device to access characteristic in Gupta's system because

doing so would improve the quality of the service by quickly realizing the user's device

type and providing relevant service to the user. One of ordinary skill in the art would have been motivated to modify Gupta's system with type of device information to improve the functionality of the system.

14.   As per claim 6, 14 and 20, Gupta teaches the invention substantially as claimed in claim 1. Gupta does not specifically teach the step of authenticating the requester with a selected authentication method, wherein the access characteristics include characteristics of the authentication method. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to including authentication method selection in Gupta's system because doing so would improve the dynamic ability of the system by allowing users select a method based on their preference and need. One of ordinary skill in the art would have been motivated to modify Gupta's system with authentication method selection to bring convenience of the system.

Conclusion

15.   Applicant's arguments filed on 12/13 for claims 1-20 have been fully considered but they are not deemed to be persuasive.

16.   In the remarks, applicant argued in substance that

(1) Gupta does not teach associated service with access characteristics;

(2) Gupta does not teach granting access to the one of the services if the access characteristics of the session are associated with a security level that satisfies the security level associated with the one of the services;

(3)   Gupta does not teach using security level of a session and the security level of a service to trigger prompting a requester for authentication data;

(4)   Gupta does not teach the access characteristics including ownership rights of a device with which the session is maintained;

(5)   Gupta does not teach the access characteristics including characteristics of a network over which the session is maintained;

(6)   There is apparent showing that the modification for Gupta's system with the limitations claimed in claims 3, 6, 11, 14 and 19-20 could be made with a reasonable likelihood success.

17.   Examiner respectfully traverses applicant's remarks:

A.   As to point (1), applicant fails to consider the teaching of the Gupta's reference for associating the service [i.e., data object] with the access characteristics [i.e., role; col. 7, line 50 – col. 8, line 4], in the other word, the relationship between a unique role and a data object is clearly defined as applicant claimed in claim 1. Thus, Gupta does teach the argued limitation.

B.   As to point (2), the examiner has explained in this Office Action, see relevant paragraph for details.

C.   As to point (3), the Applicant argued limitation is different from the original

claimed limitation. The original limitation did not claim using security level of a session

and the security level of a service to trigger prompting a requester for authentication

data, it claimed prompting a requester for authentication data when security level of

access characteristics was not satisfied, i.e., the requester will be prompted only when

the security level of access characteristics was lower than the security level of the

request service, otherwise, this step won't be performed. Thus, Gupta does teach this

limitation, see relevant paragraph for details.

D.   As to points (4) and (5), in this application, the applicant uses ownership

rights and characteristics of a network to determining a security level of access

characteristics, i.e., identify the user who is trying to access a particular service. Gupta

uses role to identify who is that user and what kind right he/she has. Gupta's system

has same function as applicant claimed. Thus Gupta does teach the argued limitation.

E.   As to point (6), the test for obviousness is not whether the claimed

invention is expressly suggested in any one or all references but rather what the

references would have suggested to those of ordinary skill in the art. (*In re Keller, 642

F. 2d 413, 208 USPQ 871,881 (CCPA 1981)*). In order to establish a *prima facie* case,

the examiner clearly acknowledged that Gupta's reference discloses a method for

providing services to authenticated users, but the reference does not specifically

considering device type and selected authentication method. However, all of these

limitations are well known and obvious to a person of ordinary skill in the art.

Furthermore, the motivation that provided in Office Action is based on logical reason

and knowledge of a ordinary skill in the art, it is not based on a real exist system which

includes every limitations as applicant claimed in claims 1-20, the examiner has

explained the reason for the modification in the Office Action. Thus, it is not necessary

for Examiner to provide evidence to show how the "quality" and "dynamic ability" have

been improved. Otherwise, there is no any reason to discuss modification if already

exist an exactly same system. Therefore, the modification for Gupta's system can be

made with a reasonable likelihood success.

18.   Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

20.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965.

The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

May 10, 2005   VIET D. VU
                                                             PRIMARY EXAMINER